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FAX TRANSMISSION**DATE:** January 27, 2005**PTO IDENTIFIER:** Application Number 10/689,015
Patent Number**Inventor:** Gerald Pierard, Valerie Vroome and Geert Cauwenbergh**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
Michael D. Braunstein**PHONE:** (908) 518-6397**Attorney Dkt. #:** BTI 3.0-002**PAGES (Including Cover Sheet):** 3**CONTENTS:** Petition For Express Abandonment to Avoid Publication Under 37 CFR 1.138©
Petition Fee Transmittal

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JAN 27 2005

PTO/SB/17p (11-04)

Approved for use through 7/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: MS Express Abandonment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/689,015
	Filing Date	October 20, 2003
	First Named Inventor	Gerald E. Pierard
	Art Unit	1617
	Examiner Name	J. M. Kim
	Attorney Docket Number	BTI 3.0-002

Enclosed is a petition filed under 37 CFR 1.138(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 12-1095 :
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
☐ Check in the amount of \$ _____ is enclosed.
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463


For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.58 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.


 Signature
 Michael D. Braunstein
 Typed or printed name

January 27, 2005
 Date
 51,248
 Registration No., if applicable

540993_1.D(X)

PTO/SB/24A (09-04)

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**PETITION FOR EXPRESS
ABANDONMENT TO AVOID
PUBLICATION UNDER 37 CFR 1.138(c)**

Fax the petition directly to the
Pre-Grant Publication Division at (703) 305-8588
Or Mail the petition to:
MS Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/689,015
Filing Date	October 20, 2003
First Named Inventor	Gerald E. Pierard
Art Unit	1617
Examiner Name	J. M. Kim
Attorney Docket No.	BTI 3.0-002

Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)

I hereby petition to expressly abandon the above-identified application to avoid publication.

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

- a. ☒ The Director is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to
Deposit Account No. 12-1095
I have enclosed a duplicate copy of this sheet.
- b. ☐ Check in the amount of \$ _____ is enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 is enclosed).

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

- I am the: ☐ applicant.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
☒ attorney or agent of record. Registration Number 51248

Michael D. Braunstein
Signature

January 27, 2005
Date

Michael D. Braunstein
Typed or printed name

(908) 518-6339
Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

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